

EXHIBIT B

TAB 1

NO. 2018-1510-CCL2

JACK WATSON
Plaintiff,

V.

BASIC ENERGY SERVICES, INC.
Defendant.

§ **IN THE DISTRICT COURT**
§
§
§ **_____ JUDICIAL DISTRICT**
§
§ **OF GREGG COUNTY, TEXAS**

PLAINTIFF'S ORIGINAL PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES Jack Watson, hereinafter called Plaintiff, complaining of and about Basic Energy Services, Inc., hereinafter called Defendant, and for cause of action shows unto the Court the following:

DISCOVERY CONTROL PLAN LEVEL

1. Plaintiff intends that discovery be conducted under Discovery Level 2.

PARTIES AND SERVICE

2. Plaintiff, Jack Watson, is an Individual who resides in Upshur, County, Texas.
3. The last three numbers of Jack Watson's driver's license number are 657.

The las three numbers of Jack Watson's social security number 691.

4. Defendant Basic Energy Services, Inc., a Corporation based in Texas, is organized under the laws of the State of Texas, and service of process on the Defendant may be effected pursuant to sections 5.201 and 5.255 of the Texas Business Organizations Code, by serving the registered agent of the corporation, CT Corporation System, 1999 Bryan St., Ste. 900, Dallas, TX 75201-3136, its registered office. Service of said Defendant as described above can be effected by certified mail, return receipt requested.



JURISDICTION AND VENUE

5. The subject matter in controversy is within the jurisdictional limits of this court.

6. Plaintiff seeks:

a. only monetary relief of \$100,000 or less, including damages of any kind, penalties, costs, expenses, pre-judgment interest, and attorney fees.

7. This court has jurisdiction over the parties because Defendant is a Texas resident.

8. Venue in Gregg County is proper in this cause.

FACTS

9. At all material times, Jack Watson, Plaintiff, was employed by Basic Energy Services, Inc., which was essentially from March 1, 2015 to March, 2017.

10. At all material times, Defendant was an employer within the meaning of Fair Labor Standards Act ("FLSA"), 29 U.S.C. § 203(d).

11. Jack Watson was hired a by Defendant at the position of a field supervisor at a salary approximately \$85,000.00 per year. However, during the periods of his employment, Plaintiff, would work on average 70 hours per week. Defendants did not pay the Plaintiff any overtime, as required by the Fair Labor Standards Act ("FLSA").

WAGE AND HOUR CLAIM

12. Plaintiff re-adopts each and very factual allegation as stated in paragraphs 1 through 11 of this Petition as if set out in full herein.

13. Defendant willingly and intentionally refused to properly pay Plaintiff's



True and Correct copy of original
filed in the Gregg County District
Clerk Office.

wages as required by the law of the United States as set forth above and remains owing Plaintiff these wages since the commencement of Plaintiff's employment with Defendant as set forth above.

WHEREBY, Plaintiff respectfully prays for the following relief against Defendant;

- A. Adjudge and decree that Defendant has violated the FLSA and has done so willfully, intentionally and with reckless disregard for Plaintiff's rights;
- B. Award Plaintiff actual damages in the amount shown to be due for unpaid overtime wages for hours worked in excess of forty (40) weekly, with interest and
- C. Award Plaintiff an equal amount in double damages/liquidated damages; and
- D. Award Plaintiff the costs of this action together with reasonable attorney's fees; and
- E. Grant Plaintiff such additional relief as the Court deems just and proper under the circumstances.

Respectfully submitted,

MATTHEW R. PATTON, IV
ATTORNEY AT LAW
316 N. TITUS STREET
GILMER, TX 75644
Tel. (903) 843-3029
Fax. (903) 680-0163

BY: /s/ Matthew R. Patton, IV

Texas Bar No. 24002736

Email: matthew@matthewpattonlaw.com

Attorney for Plaintiff Jack Watson

CERTIFIED COPY CERTIFICATE
STATE OF TEXAS COUNTY OF GREGG
I hereby certify that the above, consisting of 3
pages, is a true and correct copy of the original
record on file in the District Clerk's Office of
Gregg County, Texas
This 31 day of August, 20 18
BARBARA DUNCAN, DISTRICT CLERK
BY: [Signature], Deputy

TAB 2

COUNTY COURT AT LAW 2
CASE SUMMARY
CASE No. 2018-1510-CCL2

JACK WATSON V. BASIC ENERGY SERVICES,
 INC.

§
 §
 §
 §

Location: County Court at Law 2
 Judicial Officer: Dulweber, Vincent, DC
 Filed on: 08/07/2018

CASE INFORMATION

Case Type: Other Civil (OCA)

Case Flags: Level 2

DATE

CASE ASSIGNMENT

Current Case Assignment

Case Number 2018-1510-CCL2
 Court County Court at Law 2
 Date Assigned 08/07/2018
 Judicial Officer Dulweber, Vincent, DC

PARTY INFORMATION

Plaintiff

WATSON, JACK

Lead Attorneys

PATTON, MATTHEW

Retained

903-843-3029(W)

Defendant

Basic Energy Services Inc.

DATE

EVENTS & ORDERS OF THE COURT

INDEX

08/07/2018


 Petition (OCA)

08/08/2018


 Docket Sheet

08/08/2018


Citation By Certified Mail

 Basic Energy Services Inc.
 Served: 08/13/2018
 Response Due: 09/03/2018

08/17/2018

 Citation Return Certified Mail
 BASIC ENERGY SERVICES INC

08/31/2018

 Answer
 Answer/Response

DATE

FINANCIAL INFORMATION

Defendant Basic Energy Services Inc.

Total Charges 2.00

Total Payments and Credits 2.00

Balance Due as of 8/31/2018 0.00

Plaintiff WATSON, JACK

Total Charges 347.00

Total Payments and Credits 347.00

Balance Due as of 8/31/2018 0.00

TAB 3

*** CITATION BY MAIL ***
T H E S T A T E O F T E X A S

TO: Basic Energy Services Inc.
CT CORPORATION SYSTEM
1999 BRYAN ST STE 900
DALLAS TX 75201-3136

Defendant in the hereinafter styled and numbered cause: **2018-1510-CCL2**

You are hereby commanded to appear before the County Court at Law 2 of Gregg County, Texas, to be held at the courthouse of said County in the City of Longview, Gregg County, Texas, by filing a written answer to the Petition of Plaintiff at or before 10 o'clock A.M. of the Monday next after the expiration of 20 days after the date of service hereof, a copy of which accompanies this Citation, in Cause Number: **2018-1510-CCL2**, styled

Other Civil (OCA)

JACK WATSON V. BASIC ENERGY SERVICES,
INC.

Attorney for Plaintiff:
MATTHEW PATTON
P O Box 1110
Gilmer TX 75644
903-843-3029

Attorney for Defendant

Filed in said court 7th day of August, 2018.

Issued and given under my hand and seal of said Court at office, this the 8th day of August, 2018.

Barbara Duncan
District Clerk of
Gregg County, Texas
Gregg County Courthouse
P. O. Box 711
Longview, Texas 75606

Signed: 8/8/2018 10:42:35 AM

By Alycia Wright Deputy.



NOTICE TO DEFENDANT

You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this Citation by 10:00 A.M. on the Monday next following the expiration of twenty days after you were served this Citation and Petition, a default Judgment may be taken against you.



True and Correct copy of original
filed in the Gregg County District
Clerk Office.

Officer's Return by Mailing

Came to hand on the on this the 8th day of August, 2018, and executed by mailing certified mail restricted delivery a true copy of the citation together with a copy of Plaintiff's petition at the following address:

Name & Address of Defendant

Basic Energy Services Inc.
CT CORPORATION SYSTEM
1999 BRYAN ST STE 900
DALLAS TX 75201-3136

7018 0680 0000 2147 4758

* Date Signed: August 13 2018
* Signed by: Chris Wells
* as evidenced by the signed return receipt
* attached hereto and incorporated in
* the return

Not executed as to defendant
for the following reason:

Circle one

Unclaimed

Refused

Return to Sender

Moved, left no forwarding address

Unable to Forward

Other

**TO CERTIFY WHICH WITNESS MY HAND
OFFICIALLY.**

Barbara Duncan, District Clerk

By _____ Deputy

Fee for serving Citation \$60.00

ON - BY MAILING

Issued this 8th day of August, 2018.

Barbara DuncanDistrict Clerk of
Gregg County

Signed: 8/8/2018 10:42:39 AM

By Alycia Wright Deputy

Returned and Filed
This 17 day of August, 2018

Barbara Duncan

District Clerk

By Annethelony Deputy**CERTIFIED COPY CERTIFICATE**STATE OF TEXAS COUNTY OF GREGG 2

I hereby certify that the above, consisting of
pages, is a true and correct copy of the original
record on file in the District Clerk's Office of
Gregg County, Texas

This 31 day of August, 20 18

BARBARA DUNCAN, DISTRICT CLERK

BY: Annethelony, Deputy

**U.S. Postal
CERTIFICATE
Domestic Mail**

SENDER: COMPLETE THIS SECTION

For delivery info:

☐ Certified Mail Fee
☐ Extra Services & Fees:
☐ Return Receipt (hardcopy)
☐ Return Receipt (electronic)
☐ Certified Mail Restricted
☐ Adult Signature Required
☐ Adult Signature Restricted

1. Article Addressed to:
Basic Energy Services Inc.
CT CORPORATION SYSTEM
1999 Bryan St. Ste. 900
Dallas, TX 75201-3136

2. Complete items 1, 2, and 3.
☐ Print your name and address on the reverse so that we can return the card to you.
☐ Attach this card to the back of the mailpiece, or on the front if space permits.

3. Service Type
☐ Adult Signature
☐ Adult Signature Restricted Delivery
☒ Certified Mail®
☐ Certified Mail Restricted Delivery
☐ Collect on Delivery
☐ Insured Mail
☐ Insured Mail Restricted Delivery (over \$500)

4. Signature
☒ Agent
☐ Addressee

B. Received by (Printed Name)
Chris Wells

C. Date of Delivery
Aug 13 2018

D. Is delivery address different from item 1?
If YES, enter delivery address below: ☐ Yes ☐ No

2018-1510-CCL2

PS Form 3800, April 2015

PS Form 3811, July 2015 PSN 7530-02-000-9053

TAB 4

CAUSE NO. 2018-1510-CCL2

JACK WATSON,

Plaintiff,

v.

BASIC ENERGY SERVICES, INC.,

Defendant.

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§
§

IN THE COUNTY COURT OF

GREGG COUNTY, TEXAS

COUNTY COURT AT LAW NO. 2

DEFENDANT'S ORIGINAL ANSWER TO PLAINTIFF'S ORIGINAL PETITION

Defendant Basic Energy Services, Inc. ("Defendant") files this Original Answer to Plaintiff Jack Watson's ("Plaintiff") Original Petition (the "Petition") and states:

I. GENERAL DENIAL

Pursuant to Texas Rule of Civil Procedure 92, Defendant denies each and every allegation contained in the Petition and any amendment or supplement thereto and demands strict proof thereof as required by law.

II. DEFENSES, INCLUDING AFFIRMATIVE DEFENSES

Defendant asserts the following affirmative and other defenses without assuming any burden of production, persuasion, or proof that, pursuant to law, is not legally assigned to Defendant and is Plaintiff's burden to prove:

1. The Petition fails to state a claim upon which relief should be granted.
2. Defendant properly compensated Plaintiff under the Fair Labor Standards Act (the "FLSA") and all other applicable law.
3. Plaintiff was an exempt employee under the FLSA and therefore not entitled to overtime compensation. The exemptions applicable to Plaintiff include, without limitation, the



FLSA's exemption for executive employees. *See* 29 U.S.C. § 213(a)(1); 29 C.F.R. § 541.100–106.

4. All amounts owed by Defendant to Plaintiff were paid or otherwise satisfied.

5. Without assuming the burden of proof, any alleged violation of the FLSA by Defendant was not willful, and therefore all claims are limited to a two-year limitations period.

6. Plaintiff's claims are barred in whole or in part by the applicable statute of limitations, including, but not limited to, 29 U.S.C. § 255.

7. Plaintiff's claims for time allegedly worked without Defendant's actual or constructive knowledge are barred.

8. Plaintiff is not entitled to recover for noncompensable time.

9. Plaintiff may not seek wages for time that is *de minimis*.

10. Plaintiff may not seek wages for preliminary and postliminary acts under the Portal-to-Portal Act.

11. To the extent applicable, Defendant is entitled to an offset against any amounts due equal to the amount Plaintiff was overpaid and for other amounts paid to Plaintiff.

12. Plaintiff's claims are barred, in whole or in part, by the doctrines of estoppel, laches, and unclean hands.

Defendant reserves the right to assert additional affirmative defenses and other defenses as may appear applicable during the course of this litigation.

III. PRAYER

For the foregoing reasons, Defendant prays that Plaintiff take nothing from this lawsuit and that costs be assessed against Plaintiff. Defendant further prays for such other and further relief, general and specific, at law or in equity, to which Defendant is justly entitled.



Respectfully submitted,

/s/ John B. Brown

John B. Brown

Texas Bar No. 00793412

john.brown@ogletreedeakins.com

Jeremy W. Hays

Texas Bar No. 24083156

jeremy.hays@ogletreedeakins.com

**OGLETREE, DEAKINS, NASH, SMOAK
& STEWART, P.C.**

500 Preston Commons

8117 Preston Road

Dallas, Texas 75225

(214) 987-3800

(214) 987-3927 (Fax)

**ATTORNEYS FOR DEFENDANT
BASIC ENERGY SERVICES, INC.**

CERTIFICATE OF SERVICE

I hereby certify that on August 31, 2018, I electronically transmitted the foregoing document to the Clerk of Court using an electronic filing system, which will transmit the foregoing document to Plaintiff's counsel of record:

Matthew R. Patton, IV
316 N. Titus Street
Gilmer, Texas 75644
matthew@matthewpattonlaw.com

/s/ John B. Brown

John B. Brown

CERTIFIED COPY CERTIFICATE
STATE OF TEXAS COUNTY OF GREGG
I hereby certify that the above, consisting of 3
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BARBARA DUNCAN, DISTRICT CLERK
BY: [Signature], Deputy

35364660.1